

June 3, 2022

US Department of Transportation  
Docket Management Facility  
West Building, Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

RE: Petition for exemption from 14 CFR 135.152(j); Flight Data Recorder (FDR)

Greetings,

Flexjet LLC, Air Carrier Operating Certificate J7SA150H, represented by Rachel Anesi, [Rachel.Anesi@flexjet.com](mailto:Rachel.Anesi@flexjet.com), Director of Quality Systems/Agent for Service, 26180 Curtiss-Wright Parkway, Cleveland, OH 44143 petitions for exemption from 14 CFR 135.152(j) due to a supply chain disruption that prevents the aircraft from total compliance of the regulation. Without a temporary exemption from the regulation, specifically 135.152(j), new and preowned Gulfstream 450 will only meet the FDR recording requirements of 14 CFR Part 91.609 (c)(1) and Appendix E of Part 91 and therefore rendering those Gulfstream 450 aircraft ineligible for Part 135 Air Carrier operations. It is my understanding that both Gulfstream and the sensor manufacturer do not have a remedy, neither short or long term projections, to the current supply chain issue.

14 CFR 135.152(j): The FDR regulation applicable to our Air Carrier specifically states in part “with a seating configuration excluding any crewmember seat, of 10-30 passenger seats and manufactured after August 19, 2002” must comply with a device that records 88 parameters outlined in 135.152(h).

- The Gulfstream 450, G-IV-X, currently in operation and pending future conformity this year have a passenger seating configuration of at least 14 seats and are newer than a DOM of August 19, 2002.

On May 13, 2022, Gulfstream released a maintenance and operations letter, G450-MOL-22-003, which provides confirmation that components to record some of the 88 required parameters detailed in 14 CFR 135.152(h) are unattainable. We have been further advised that the sensors that record the following two parameters are the subject of a supply chain issue.

1. (82) Cockpit trim control input position - pitch; and,
2. (87) Ground spoiler position and speed brake selection

Flexjet, LLC currently operates 12 Gulfstream 450 aircraft and several planned (4214, 4173, 4182, 4300, 4156, 4117, 4208) into our operation in the year 2022-2023. SN 4117 has been identified as not having an 88 parameter FDR installed, however does have an operational Part 91 compliant FDR. The aircraft is scheduled to be put into service JUNE 2022, pending a resolution to this issue. Without an intermediate remedy, Flexjet’s ability to purchase new and preowned Gulfstream 450 has been impaired by this roadblock, thus causing an economic disadvantage due to diminished capital opportunities. Additionally, the flying public will have fewer travel options due to a global setback that could be remedied with a temporary exemption, to keep America moving.

Flexjet LLC, founded in 1995, is a mature and active 14 CFR Part 135 air carrier and Part 91K program manager with direct oversight of their large fleet of aircraft from a multi-million-dollar operational control center. As one of the first companies in private jet industry to offer domestic and international operations on newly manufactured aircraft with fractional options, Flexjet continues to own both 100 percent and/or fractional registration on most of the aircraft listed its respective operation/management specification D085. Flexjet also voluntarily elected to maintain all aircraft to a higher standard, under the more regulated and comprehensive maintenance program regulation; 14 CFR §91.1411 and §135.411(a)(2). Complying with the higher regulatory standard is a company executive leadership decision, an investment into the business model which is reflected in the safety mission declaration and commitment outlined in our Safety Management System which is in active conformance.

Each fleet type that is operated requires an FAA approved Continuous Airworthiness Maintenance Program (CAMP) authorization which demands both, increased operational control vigilance and a highly skilled quality assurance oversight 24 hours a day. Lastly, our comprehensive Continuous Airworthiness Surveillance System (CASS) 14 CFR §135.431 consists of many beneficial self-serving functions such as; surveillance, controls, analysis, corrective action and follow-up, which provides a closed-loop system. We believe this is just another example of the Company's high goals to include transparency with our CMU that ultimately champions a safety culture within our flight, maintenance, and quality operations. The tactical coordination that is performed by Flexjet, necessary to support its operation, is a large-scale action serving a more important purpose: absolute **SAFETY**.

The nexus to aviation safety (e.g., in terms of crash avoidance or injury/death avoidance or property damage avoidance) is usually readily apparent in most safety regulations. As an operator, the absolute need for the FAA to protect public interest/safety is not lost upon us, and in our opinion this regulation should be unilaterally equal to all operators and aircraft configurations, despite Part 91 or 135 operations. As appropriate, an exemption from CFR 135.152(j) does not degrade the operational safety of the aircraft during flight though it is a useful tool to support investigations post flight. The underlying difficulty in regard to this regulation is that aircraft having an increased number of parameters does not make the aircraft safer regardless of how we operate, Part 91 or 135, we continue to sustain the same equivalent level of safety every day. Therefore, in weighing the decision to grant this exemption to Flexjet LLC, Air Carrier Operating Certificate J7SA150H, I respectfully request parallel consideration equal to those 14 CFR Part 91 operators who operate with a different flight data recorder regulatory standard. Our resources and rigorous standards provide us a measurable advantage to sustain a greater level of safety for flights conducted on our Gulfstream 450 fleet. Issuing a temporary exemption from 14 CFR 135.152(j) does not adversely affect safety as the Part 91 operating rule with a much lesser standard has been publicly accepted.

In closing Flexjet LLC formally requests an exemption from 14 CFR 135.152(j) that allows for the commercial, domestic, and international operation of a Gulfstream 450 equipped with an FDR meeting only the requirements of 14 CFR Part 91.609(c)(1) and Appendix E of Part 91, until such time the necessary parts are made available by Gulfstream.

We look forward to your reply as time is of the essence.

Respectfully



Rachel Anesi

Director of Quality Systems

Enc; Gulfstream maintenance and operations letter G450-MOL-22-003